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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER	
REVAK, CHRISTOPHER A	
ART UNIT	**PAPER NUMBER**
2131	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,405	HOLOPAINEN, YRJO	
	Examiner	Art Unit	
	Christopher A. Revak	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6,8,9,17-19 and 21-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6,8,9,17-19 and 21-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *9/4/01* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. The objections to claims 8 and 9 has been withdrawn by the examiner in light of the applicant's amendments.

2. Applicant's arguments filed have been fully considered but they are not persuasive. The examiner notes that the rejection under 35 USC 112 2nd is maintained. The term Bluetooth is a trademark and its definition can change frequently and is indefinite since there is not definite description. In order for the applicant to overcome the rejection, the applicant is required to submit supporting documentation for defining Bluetooth™ at the time of filing of the applicant's invention at which point in time, the examiner with withdraw the rejection under 35 USC 112 2nd paragraph.

3. Applicant's arguments with respect to claims 1,6,8,9,17-19, and 21-24 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,9, and 24 contain the trademark Bluetooth™. Where a trademark is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark does not identify or describe the goods associated with the trademark. In the present case, the trademark is used to identify/describe a type of wireless device and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 6,8,17-19, and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Rallis et al, U.S. Patent 6,189,099.

As per claim 6, it is disclosed by Rallis et al of a second secret key which is known only to a trusted third authority and a second public key corresponding to the second secret key. The second secret key is used for encrypting the public key and the

second public key is used for decrypting the encrypted public key wherein the second public key is the only key which allows decrypting data encrypted by the second secret key (col. 3, lines 33-67).

As per claims 8 and 17-19, it is taught by Rallis et al that the specific hardware module is a network interface module comprising a unique network interface address (col. 1, lines 35-41 & 47-53).

As per claims 21 and 22, Rallis et al teaches of a method for preventing unauthorized use of software accessing a specific hardware module comprising a unique hardware identification sequence wherein the software comprises a license key for being executed. The hardware identification sequence is read out from a specific hardware module, the reading out being performed at a processing device executing the software. A predetermined hardware identification sequence is retrieved at the processing device that is contained in the license key and compared at the processing device with the read-out hardware identification sequence. Execution of the software is permitted if both sequences match. The hardware identification sequence contained in the license key is encrypted and a secret algorithm coded in the software is used to decrypt the hardware identification sequence. The hardware identification sequence contained in the license key is encrypted and a public key encryption method is used for encrypting and decrypting the unique hardware identification sequence contained in the license key comprising a secret key which in only known to the license key distribution authorities and a public key corresponds to the secret key. The secret key is used for encrypting the hardware identification sequence wherein the public key is the only key

that which allows decrypting data encrypted by the secret key (col. 1, lines 31-56; col. 2, line 59 through col. 3, line 3; col. 3, lines 33-67; and col. 5, lines 34-39).

As per claim 23, it is disclosed by Rallis et al wherein at least one of the specific hardware modules is a network interface module comprising a unique network interface address (col. 1, lines 35-41 & 47-53).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1,9, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rallis et al, U.S. Patent 6,189,099 in view of Vainio, "Bluetooth Security.

As per claims 19, and 24, Rallis et al teaches of a method for preventing unauthorized use of software accessing a specific hardware module comprising a unique hardware identification sequence wherein the software comprises a license key for being executed. The hardware identification sequence is read out from a specific hardware module, the reading out being performed at a processing device executing the software. A predetermined hardware identification sequence is retrieved that is contained in the license key and compared with the read-out hardware identification sequence at the processing device. Execution of the software is permitted if both sequences match wherein the hardware identification sequence contained in the license

key is encrypted and a secret key encoded in the software is used to decrypt the hardware identification sequence (col. 1, lines 31-56; col. 2, line 59 through col. 3, line 3; col. 3, lines 33-67; and col. 5, lines 34-39). The teachings of Rallis et al disclose of a portable device and of an infrared port for communicating (col. 2, lines 23-32), but fail to disclose that the specific hardware module is a Bluetooth™ module comprising a unique address that comprises the hardware identification sequence that is read out. It is disclosed by Vainio that specific hardware module is a Bluetooth™ module comprising a unique address that comprises the hardware identification sequence that is read out (see page 6). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to recognize that Bluetooth™ is notoriously well known to include information to unique identify the hardware device. The teachings of Vainio recite of motivational benefits by disclosing it is the standard based on IEEE for Bluetooth™ devices, see page 6. The teachings of Rallis et al disclose of uniquely identifying devices based on serial numbers and are suggestive to using Bluetooth™ devices since it is taught that of the use of a infrared port, the teachings of Vainio are relied upon for disclosing of the use of a unique hardware identification sequence that is applied to a Bluetooth™ device.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR

October 16, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

10/16/06